

14. The call router system of claim 13 wherein the router executes on a processor.
15. The call router system of claim 14 wherein the processor upon which the router executes is the managing processor.
16. The call router system of claim 14 wherein the processor upon which the router executes is a processor separate from the managing processor.
17. The call router system of claim 14 wherein routing rules are maintained at the individual agent's computer workstation and the router requests routing from the individual agent's computer workstation.
18. The call router system of claim 14 wherein routing rules for connected agent's computer workstations are maintained separately on the processor that executes the router, and wherein routing is accessed from the routing rules according to destination information for received calls.

REMARKS

The present Preliminary Amendment, filed with the accompanying CPA, responds to the Final Action mailed October 26, 1999 in the above-referenced case, and to the additional argument, comments, and references provided in the advisory action mailed on 2/11/00. Claims 2-18 are

standing for examination. The Examiner has maintained rejections put forth in the Office Letter mailed 10/26/99. Claims 2-8 and 10-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Dekelbaum (U.S. Patent number: 5,838,682) hereinafter Dekelbaum. Claims 2-10 and 12-18 are also rejected under 35 U.S.C. 102(e) as being unpatentable over Bateman (US Patent 5,884,032) hereinafter Bateman.

Applicant has carefully studied the prior art provided by the Examiner. Applicant herein again argues that the references provided by the Examiner **clearly** fail to teach the structural elements or the routing processes as described in applicant's claimed invention. Applicant's claims, which are left unchanged in the present amendment, distinguish unarguably over the references as cited and applied by the Examiner. Applicant herein clearly shows where the Examiner has failed to properly examine the current application within the guidelines and practices of the Office, and incorporating what is well known in the art. Applicant therefore respectfully requests that the Examiner proceed with due diligence deserved the applicant, and attempt to understand the elements and method steps of applicant's claims under the clear definitive entire disclosure, provided by the applicant, having consideration for what is well known in the art, and guidelines provided by the Office. Applicant herein responds to the Examiner's advisory Action following the format kindly provided by the Examiner.

Claim 2 recites:

2. A method for routing Internet Protocol Network Telephony (IPNT) calls at customer premises having a managing processor and a computer workstation coupled to the managing processor, the managing processor

having a set of routing rules specific to and accessible and editable by a person assigned to the computer workstation, the method comprising steps of:

- (a) receiving an IPNT call at the managing processor;*
- (b) determining the person assigned to the workstation is an intended recipient for the call;*
- (c) requesting routing by the managing processor from the specific set of current routing rules accessible and editable by the person assigned to the computer workstation; and*
- (d) routing the call according to the current routing rules specific to the person.*

The Examiner has rejected claim 2 under § 102 (e) as being anticipated by Dekelbaum or Bateman.

- a) The Examiner disagrees with applicant's arguments that the references provided clearly fail to teach the structural elements, or the routing processes as described in applicant's claimed invention for the same reasons given in the Final Office Action, dated 10/26/99.

In the Office Letter mailed 10/26/99 the Examiner states that Dekelbaum teaches a call distribution method for routing IPNT calls at Merchant Sales Facility 100.

Applicant's disclosure clearly teaches that what is now known as Internet protocol network telephony is an instance wherein computers simulate telephones through software, microphones, and speakers, and

telephony data between such equipped computers is transmitted over Internet connections and directed by servers, such as destination number servers (DNS) in the Internet. In the IPNT world IP addresses are used instead of telephone numbers, and there are differences in the way data packets are formulated and transmitted. Moreover, what may be termed routing is done by such as IP switches and hubs, wherein destination addresses may be changed (page 32 line 33 thru to page 33 line 4).

Dekelbaum simply does not teach receiving and routing IPNT calls as recited in applicant's claim and taught in applicant's enabling disclosure above. Both Dekelbaum and Bateman teach Internet servers supplying Web pages or HTML documents to potential customers accessing the respective URLs on the said Internet server, wherein conventional PSTN calls are only connected between agents and customers when the customer calls back the merchant facility or call center over the conventional switch network after viewing the HTML document or the agent calls the customer over the conventional PSTN switch network after receiving a request from the customer via a link from the HTML document. Dekelbaum clearly states in the "Abstract" portion of the disclosure that an Internet type access system includes an autodialer for automatically establishing communications with a merchant's facility over a switch network while maintaining Internet connectivity over a packet data network. Internet Protocol Network Telephony (IPNT) calls are not placed between customers and agents in the art of Dekelbaum as taught in applicant's claimed invention.

b) Applicant's argue that the Examiner equates the Internet servers with the managing processor recited in claim 2. Applicant's claim 2 clearly recites a method for routing Internet Protocol Network Telephony (IPNT) calls at

customer premises having a managing processor and a computer workstation coupled to the managing processor, the managing processor having a set of routing rules specific to and accessible and editable by a person assigned to the computer workstation, and the managing processor routes incoming IPNT calls according to the routing rules.

Applicant respectfully traverses the Examiner's position that the Internet servers as taught in Dekelbaum and Bateman route IPNT calls, or any other kind of calls, according to any routing rules. The Examiner respectfully disagrees because of the following:

(i) Applicant's specification teaches that IPNT calls are telephony data which is routed between computers over Internet connections, based on personal routing rules, negotiation, and the like, and directed by servers in the Internet (Applicant's Specification, Page 33, lines 20-27 and Page 34, lines 13-20).

Perhaps if the Examiner read the entire definitive paragraph describing IPNT calls and protocol of applicant's disclosure, applicant's argument's would be more persuasive. In the stead the Examiner considers only specific portions taken out of context. The entire paragraphs of applicant's disclosure including the specific portions recited by the Examiner are herein reproduced.

The entire paragraph of page 33 of applicant's disclosure including lines 20-27 herein recites;

"Internet Protocol Network Telephony (IPNT)"

In all of the embodiments and aspects of the invention described above specific example have been drawn from the technological area of conventional intelligent telephony networks, other than what is now known

as Internet protocol network telephony, wherein computers simulate telephones through software, microphones, and speakers, and telephony data between such equipped computers is transmitted over Internet connections and directed by servers, such as destination number servers (DNS) in the Internet. In the IPNT world IP addresses are used instead of telephone numbers, and there are differences in the way data packets are formulated and transmitted. Moreover, what may be termed routing is done by such as IP switches and hubs, wherein destination addresses may be changed. These differences, however, are not limiting in embodiments of the present invention".

The Paragraph on page 34 including lines 13-20 in it's entirety herein recites;

"As examples of IPNT application, in those embodiments dealing with personal routing and personal routers, the methods and apparatus described may also be adapted to IPNT so personal routing rules, negotiation, and the like may be provided for IPNT calls as well. In the aspects of the invention dealing with simulation of CTI applications and testing, the applications may apply to IPNT telephony as well as to more conventional telephony systems. Other examples will be apparent to those with skill in the telephony arts".

Clearly after considering the entire description of IPNT calls as described above the Examiner's lacking interpretation of IPNT calls being telephony data routed between computers over Internet connections , based on personal routing rules, negotiation and the like, and directed by servers in the Internet, is not sustained. Telephony data being communicated between computers on the Internet is not taught in the art of Dekelbaum or Bateman. Applicant believes it is not appropriate for the Examiner to use

the term "telephony data" when it is not taught or suggested in the art of Dekelbaum. The Examiner states that Dekelbaum clearly teaches that the customer and sales representatives conduct transactions (not telephony data) over the Internet, based on a customer's session history (personal routing rules, negotiation and the like) and directed by the Internet server (col. 12, lines 1-8 and col. 14, lines 40-48). Column 12 , lines 1-8 of Dekelbaum merely teaches a method of going to a home page and downloading a specified resource. This is not a IPNT call as claimed in applicant's invention.

Column 14 lines 40-48 of Dekelbaum describes a voice recognition unit of ACD **106** requesting information from a caller as to what WEB pages the telephone call are pertaining to. Based on session ID information the ACD may then route the conventional switch network telephone call to the appropriate agent. IPNT calls are not routed in the art of Dekelbaum. There are no managing processors storing routing rules routing IPNT calls in the prior art. Applicant's disclosure teaches using an intelligent network to route IPNT calls. Neither Dekelbaum or Bateman deals with the claimed art of the present invention.

Applicant's invention deals with actual real time voice IPNT calls taking place between customers and agents wherein actual live voice is prepared in a packet data format and sent, and routed over the Internet as described and claimed in applicant's invention. Applicant respectfully requests the Examiner please consider all of the matter taught in applicant's invention in the examination process.

The Examiner's sections of the Advisory Action (c) through (f) are addressed in the above arguments in applicant's attempt to educate the Examiner on the definition of IPNT calls.

(g) Applicant's argue with respect to claim 10, that the art of Dekelbaum and Bateman simply do not apply to the present invention because neither reference is capable of routing incoming IPNT calls received at a managing processor. Both references require either an additional PSTN call from the customer, or a PSTN call back from the agent.

The Examiner replies that applicant's claims do not recite that no additional call from the customer or no call back from an agent. The Examiner believes that Dekelbaum's additional call from the customer and Bateman's call back are part of their respective methods in processing incoming IPNT calls as discussed in (f). The Examiner further states that Applicant's invention does not clearly describe the processing of incoming IPNT calls and only teaches that Applicants' conventional methods of processing incoming calls may be "adapted" or "will be apparent" to those with skill (see Applicant's specification, Page 34, lines 13-20).

Applicant strongly disagrees with the Examiner and herein reproduces enabling disclosure from applicant's present application. It is applicant's hope that after reading the above arguments and the following disclosure the Examiner comes to the understanding that PSTN calls and IPNT calls are absolutely not the same, cannot be handled in the same manner by the same equipment, but can effectuate the same type of communication. Applicant's disclosure clearly describes the processing of incoming IPNT calls as follows:

Internet Protocol Network Telephony (IPNT)

In all of the embodiments and aspects of the invention described above (these are conventional intelligent networks in PSTN architectures)

specific example have been drawn from the technological area of conventional intelligent telephony networks, other than what is now known as Internet protocol network telephony, wherein computers simulate telephones through software, microphones, and speakers, and telephony data between such equipped computers is transmitted over Internet connections and directed by servers, such as destination number servers (DNS) in the Internet. In the IPNT world IP addresses are used instead of telephone numbers, and there are differences in the way data packets are formulated and transmitted. Moreover, what may be termed routing is done by such as IP switches and hubs, wherein destination addresses may be changed. These differences, however, are not limiting in embodiments of the present invention.

In many embodiments of the invention described, the inventions are involved with new and unique ways to use machine intelligence for telephony functions, particularly, but not exclusively, as these functions relate to call centers and intelligent routing of calls. In instances of the invention described, the principles of the invention may also be applied to IPNT without undue experimentation.

As examples of IPNT application, in those embodiments dealing with personal routing and personal routers, the methods and apparatus described may also be adapted to IPNT so personal routing rules, negotiation, and the like may be provided for IPNT calls as well. In the aspects of the invention dealing with simulation of CTI applications and testing, the applications may apply to IPNT telephony as well as to more conventional telephony systems. Other examples will be apparent to those with skill in the telephony arts.

Applicant's claimed invention clearly recites a method for routing Internet Protocol Network Telephony (IPNT) calls at customer premises having a managing processor and a computer workstation coupled to the managing processor, the managing processor having a set of routing rules specific to and accessible and editable by a person assigned to the computer workstation, and the managing processor routes incoming IPNT calls according to the routing rules.

Applicant is entitled to a patent under 102(e) unless the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application.

Both Dekelbaum and Bateman teach Internet servers supplying Web pages or HTML documents to potential customers accessing the respective URLs on the said Internet server, wherein calls are only connected between agents and customers when the customer calls back the merchant facility or call center after viewing the HTML document or the agent calls the customer after receiving a request from the customer via a link from the HTML document.

The Examiner equates the Internet servers with the managing processor recited in claim 2. Applicant respectfully traverses the Examiner's position that the Internet servers as taught in Dekelbaum and Bateman route IPNT calls, or any other kinds of calls, according to any routing rules. The Internet servers in the prior art absolutely do not route the received IPNT call according to current routing rules specific to a person at a connected workstation. Actually, neither the Internet server **102** of Dekelbaum or the WWW server **28** of Bateman route incoming IPNT

calls at all. The Examiner has clearly not established a *prima facia* case of anticipation.

Applicant must respectfully request that both the references of Dekelbaum and Bateman be withdrawn as they do not route IPNT calls received at a managing processor as claimed in applicant's invention.

Applicant respectfully requests the 102(e) rejection be withdrawn regarding the references of Dekelbaum and Bateman. Claim 2 is then clearly patentable over the art provided. Claims 3-9 are now patentable on their own merits, or at least as depended from a patentable claim.

Claim 10 has also been rejected by the Examiner under 102(e) using the art of Dekelbaum and Bateman. The Examiner rejects claim 10 using the same reasoning provided in regards to claim 2. Applicant has argued on behalf of claim 2 that the art of Dekelbaum and Bateman simply do not apply to the present invention because neither reference is capable of routing Incoming IPNT calls received at a managing processor. Both references require either an additional (PSTN) call from the customer, or a (PSTN) call back from an agent.

Applicant believes claim 10 is patentable over the art of Dekelbaum and Bateman as argued on behalf of claim 2. Claim 12 is also patentable at least as depended from a patentable claim.

Claim 13 recites a call router system also determining routing of incoming Internet Protocol Network Telephony calls in a customer premises call center including a managing processor connected to individual computer workstations, the managing processor having sets of routing rules specific to individual agents.

Claim 13 has the same limitations argued on behalf of claim 2 and 10 above, therefore, claim 13 is also patentable over the art of Dekelbaum and Bateman. Claims 14-18 are patentable at least as depended from a patentable claim.

After submitting this amendment to the Examiner, Applicant may wish to make a phone appointment with the Examiner, and his Primary, if necessary, to better clarify Applicant's claimed invention. Applicant believes that once the Examiner fully understands the full scope of applicants invention it will be passed quickly to issue.

As all of the claims standing for examination as amended have been shown to be patentable over the art of record, applicant respectfully requests reconsideration and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
Igor Neyman, et al.

by


Donald R. Boys
Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457